## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEREMY SWEETEN and : CIVIL ACTION NO. 1:04-CV-2771

CHRISTINE SWEETEN,

Plaintiffs : (Judge Conner)

:

v. :

LAYSON'S HOME :

IMPROVEMENTS, INC., :

Defendant

v. :

ANN LEFEVRE, :

Third-Party Defendant :

:

v. :

:

GERALD SWEETEN, :

**Third-Party Defendant**:

## **ORDER**

AND NOW, this 13th day of February, 2007, upon consideration of the motion for summary judgment (Doc. 35), filed by third-party defendant Ann Lefevre ("Lefevre"), and of the order of court dated December 12, 2006 (Doc. 77), which provided third-party plaintiff Layson's Home Improvements, Inc. (Layson's) leave to present evidence of record suggesting that Lefevre "had knowledge of a defect in the stairway" prior to plaintiff Jeremy Sweeten's injury (Doc. 77, at 3 n.2), and it appearing that Layson's has failed to present such evidence (see Docs. 80, 81), it is hereby ORDERED that:

1. The motion for summary judgment (Doc. 35), filed by Lefevre, is GRANTED with respect to Lefevre's claim that Layson's has failed to proffer evidence that she had knowledge of a defect in the stairway.

- 2. The Clerk of Court will be directed to enter final judgment in favor of third-party defendant Lefevre and against third-party plaintiff Layson's as to all counts of the third party complaint against Lefevre (Doc. 11). See Fed. R. Civ. P. 14(a).
- 3. The Clerk of Court will be directed to enter final judgment in favor of third-party defendant Gerald Sweeten and against third-party plaintiff Lefevre as to all counts of the third party complaint against Gerald Sweeten (Doc. 21). See Fed. R. Civ. P. 14(a).
- 4. The Clerk of Court is directed to defer the entry of final judgment until the conclusion of this case.

S/ Christopher C. Conner CHRISTOPHER C. CONNER United States District Judge